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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,866

07/02/2003

Lenny Lipton

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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
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EXAMINER

RICE, ELISA M

ART UNIT

PAPER NUMBER

2624

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DELIVERY MODE

12/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,866

Applicant(s)

LIPTON ET AL.

Examiner

Elisa M. Rice

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/11/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. **Claim 10** is objected to because of the following informalities: It appears claim 10 has a typographical error. In regards to claim 10, in line 1, the phrase, "claim 9", appears to be a typographical error and should be corrected to "claim 8". This assumption is due to claim 10 being identical to claim 12, which depends from claim 11. Also, claim 9 is non-existent. For examination purposes, claim 10 will depend from claim 8.

Appropriate correction is required.

Applicant is advised that should claims 8 and 10 be found allowable, claims 11 and 12 respectively will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Swift et al (US 2002/0122585 A1).

4.

Regarding claim 1, Swift discloses a method for converting an input image having a first format to an output image having a second format, wherein the input image and the output image are each defined by a plurality of pixels, comprising:

receiving the input image (left and right media 500 are extracted from the Stereoscopic 3D Media file 502, Swift, figure 6, paragraph 0041);

converting each pixel of the input image to a corresponding pixel for an output image in accord with a map setting forth a predefined relationship between the first format and the second format, thereby creating the output image (individually scaled 504, 506, Swift, figure 6, paragraph 0041-0042);

formatting the output image (recombined scaled left and right media, Swift, figure 6, numeral 508, paragraph 0041); and
displaying the formatted output image (resulting scaled Stereoscopic Media is displayed 510, Swift, figure 6, numeral 510, paragraph 0041).

Regarding claim 7, Swift discloses a planar image (Swift, figure 6, numeral 504), further comprising creating a stereo image pair from the planar image (recombine scaled left and right media, Swift, figure 6, numeral 508).

5. Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al (US 5,138,697).

Regarding claims 13 and 14, Yamamoto discloses a device ("graphic data processing system", Yamamoto, column 1, lines 20-35) for converting an input image having a first format to an output image having a second format, wherein the input image and the output

image are each defined by a plurality of pixels ("converting graphic data of a first format of a drawing or a product into graphic data of a second format different from the first format", Yamamoto, column 2, lines 31-59), comprising a software-enabled matrix that sets forth predefined relationships between one type of format as an input image and another type of format as an output image ("Table 2, the edit partition record includes a graphic form insertion record, which are records [which] indicate the edit contents of a

drawing", Yamamoto, col. 5, lines 35-68, col. 6, lines 1-32), and a processor configured to identify the first format of the input image and convert it using the matrix to an output image having the second format ("converting the basic element records by properly inserting edit partition records respectively representing the drawing of the product ... predefined registered composite graphic forms forming the element views", Yamamoto, column 2, lines 31-59) and a pre-defined correspondence between a pixel from the input image and a pixel for the output image (Yamamoto, column 2, lines 31-59).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Swift et al (US 2002/0122585 A1) and Yamamoto et al (US 5,138,697).

Regarding claim 2, while Swift discloses a method according to Claim 1, Swift does not disclose a matrix that sets forth predefined relationships between one type of format as an input image and another type of format as an output image.

Yamamoto teaches a matrix that sets forth predefined relationships between one type of format as an input image and another type of format as an output image ("predefined registered composite graphic forms", Yamamoto, col. 2, lines 31-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Swift's converting step to include Yamamoto's matrix that sets form predefined relationships in order "to provide a simple, perspicuous, highly flexible and highly universal graphic data conversion capable of carrying out unrestricted conversion of graphic data" as discussed in the Yamamoto reference at col. 2, lines 24-29.

8. Claims 3-6, 8, 10, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Swift et al (US 2002/0122585 A1) and Loveridge et al (US 5,982,941).

Regarding claims 3-6, while Swift discloses a method according to Claim 1, Swift does not disclose converting the color space of the input image; scaling the input image; creating additional views as needed; swapping views; preparing a presentation of the output image for a particular format type; centering the presentation; formatting the presentation thereby creating a formatted output image; displaying the formatted output image; inverting the input image after the scaling step and before the creating; aligning the views after the creating step and before the swapping step; and arranging a

predefined view wherein a single frame contains nine vies, then interzigging the views after the swapping step and before the preparing step.

Loveridge teaches converting the color space of the input image (Loveridge, figure 3, numeral 118); scaling the input image (Loveridge, figure 3, numeral 120); creating additional views as needed (Loveridge, figure 3, numeral 122); swapping views (Loveridge, figure 3, numeral 122, 124); preparing a presentation of the output image for a particular format type (Loveridge, figure 3, numeral 122, 124, column 6, lines 5-67); centering the presentation (Loveridge, figure 3, numeral 122, 124, column 6, lines 5-67); formatting the presentation thereby creating a formatted output image (Loveridge, figure 3, numeral 128); displaying the formatted output image (Loveridge, figure 3, numeral 82); inverting the input image after the scaling step and before the creating step (Loveridge, column 6, lines 9-67); aligning the views after the creating step and before the swapping step (Loveridge, column 6, lines 9-67) and arranging a predefined view wherein a single frame contains nine vies, then interzigging the views after the swapping step and before the preparing step (Loveridge, column 6, lines 9-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Swift's converting step to include Loveridge's method steps in order "to achieve improved performance characteristics, such as reduced noise, improved sharpness" as discussed in the Loveridge reference at col. 3, lines 61-67.

Regarding claim 8, while Swift discloses a method according to Claim 7, Swift does not disclose scaling the planar image by a fixed percentage to create a scaled image; copying the scaled image to create a complimentary image; shifting the complimentary image by a smaller percentage of the fixed percentage; extracting a centered image from the scaled image; and extracting a centered image from the shifted complimentary image.

Loveridge teaches scaling the planar image by a fixed percentage to create a scaled image (Loveridge, figure 3, numeral 120); copying the scaled image to create a complimentary image (Loveridge, figure 3, numeral 122); shifting the complimentary image by a smaller percentage of the fixed percentage (Loveridge, column 6, lines 9-67); extracting a centered image from the scaled image (Loveridge, figure 3, numeral 124); and extracting a centered image from the shifted complimentary image (Loveridge, column 6, lines 9-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Swift's creating step to include Loveridge's method steps in order "to achieve improved performance characteristics, such as reduced noise, improved sharpness" as discussed in the Loveridge reference at col. 3, lines 61-67.

Regarding claim 10, while Loveridge discloses shifting the complimentary image by a smaller percentage of the fixed percentage, Loveridge does not disclose expressly that the smaller percentage is half.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize a smaller percentage that is half. Applicant has not disclosed that the smaller percentage being half provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the smaller percentage taught by Loveridge or the smaller percentage being half because both percentages perform the same function of reducing the complimentary image for display purposes.

Therefore, it would have been obvious to one of ordinary skill in this art to modify Loveridge to obtain the invention as specified in claim 10.

Regarding claim 11, the method claim is rejected under the same combinations, teachings, and motivation as claim 8.

Regarding claim 12, the method claim is rejected under the same combinations, teachings, and motivation as claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elisa M. Rice whose telephone number is (571)270-1582. The examiner can normally be reached on 8:00a.m.-5:30p.m. EST Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on (571)272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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